

ZB# 05-41

Robert Mulleavy

54-1-73

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 8-8-05

05-41 Robert Mulleavy (Acaa) 54-1-73
33 Dutchman Dr.



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

November 29, 2005

**Robert Mulleavy
23 Buckingham Drive
Newburgh, NY 12550**

SUBJECT: REQUEST FOR VARIANCE #05-41

Dear Mr. Mulleavy:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

**Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 54-1-73

In the Matter of the Application of

**MEMORANDUM OF
DECISION GRANTING**

ROBERT & BARBARA MULLEAVY

AREA

CASE #05-41

WHEREAS, Robert & Barbara Mulleavy , owner(s) of 23 Buckingham Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 50 ft. Lot Width and; 20 ft. Side Yard Setback for proposed single-family home at 33 Dutchman Drive in an R-1 (54-1-73)

WHEREAS, a public hearing was held on AUGUST 8, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

- 1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.**
- 2. The Evidence presented by the Applicant showed that:**
 - (a) The property is a residential property located in a neighborhood of residential properties.**
 - (b) The applicant proposes to build a single-family home on the property. The property complied with the requirements of the Town Law previously but, since the Town Law has been amended prior to the development of the lot, this variance is applied for.**

- (c) In constructing the home, the applicant will not remove any trees or substantial vegetation.
- (d) The proposed house will not create the ponding or collection of water or divert the flow of water drainage.
- (e) The house will not be on top of nor will it interfere with any easements including, but not limited to, water, sewer or electrical easements.
- (f) The house will be serviced by well and septic service which will be located away from the house in compliance with the Orange County Department of Health.
- (g) The lot is the same size as lots immediately adjacent to it.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance(s).

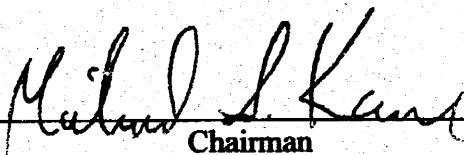
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 50 ft. Lot Width and; 20 ft. Side Yard Setback for proposed single-family home at 33 Dutchman Drive in an R-1 (54-1-73) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: August 8, 2005


Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 6/16/05

**APPLICANT: Robert & Barbara Mulleavy
23 Buckingham Drive
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 6/13/05

FOR : Robert & Barbara Mulleavy


LOCATED AT: 33 Dutchman Drive

ZONE: R-1 Sec/Blk/ Lot: 54-1-73

DESCRIPTION OF EXISTING SITE: Vacant lot

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. 300-10 Use/Bulk Table R-1 zone — A variance for lot width and required side yard is required.**


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE:	USE:		
	MIN LOT AREA:		
D-5	MIN LOT WIDTH: 175ft	125ft	50ft
	REQ'D FRONT YD: 45ft/45ft	45ft/45ft	
F-5	REQ'D SIDE YD: 40ft	20ft	20ft
	REQ'D TOTAL SIDE TD: 80ft	N/A	
	REQ'D REAR YD: 50ft	1067ft	
	REQ'D FRONTAGE:		
	MAX BLDG HT:		
	FLOOR AREA RATIO:		
	MIN LIVABLE AREA:		
	DEV COVERAGE:		

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be corrected before reinspection.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

BUILDING DEPARTMENT

RECEIVED
JUN 13 2005
FOR OFFICE USE ONLY:
Building Permit #: PA 2005-543

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Robert + Barbara Mulleavy

Address 33 Dutthman Dr. (Lot #8) Phone # 566-1639

Mailing Address 23 Buckingham Dr. Newburgh Fax # _____

Name of Architect Crest Homes

Address 30 North Industrial Ave MILTON, PA. Phone 570-742-8521

Name of Contractor THE Builder Development Corp - Dan Schinmann

Address 400 RT. 9 Fishkill, NY, 12524 Phone 845-897-4400

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the WEST side of Dutchman Dr.
(N, E or W)
and ON CORNER feet from the intersection of Pieters Court
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____
3. Tax Map Description: Section 54 Block 1 Lot 73
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy NONE b. Intended use and occupancy SINGLE FAMILY HOME
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? YES
7. Dimensions of entire new construction. Front 60' Rear 60' Depth 27'6" Height 27'8" No. of stories 2
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
- Number of bedrooms 4 Baths 3 Toilets 3 Heating Plant Gas _____ Oil X
Electric/Hot Air _____ Hot Water X If Garage, number of cars 2
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost 315,500.00 Fee _____

ZONING BOARD

PAID
Ch # 1608
\$50.00

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

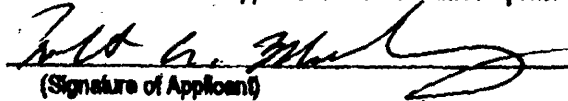
Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Kryshear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4665 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

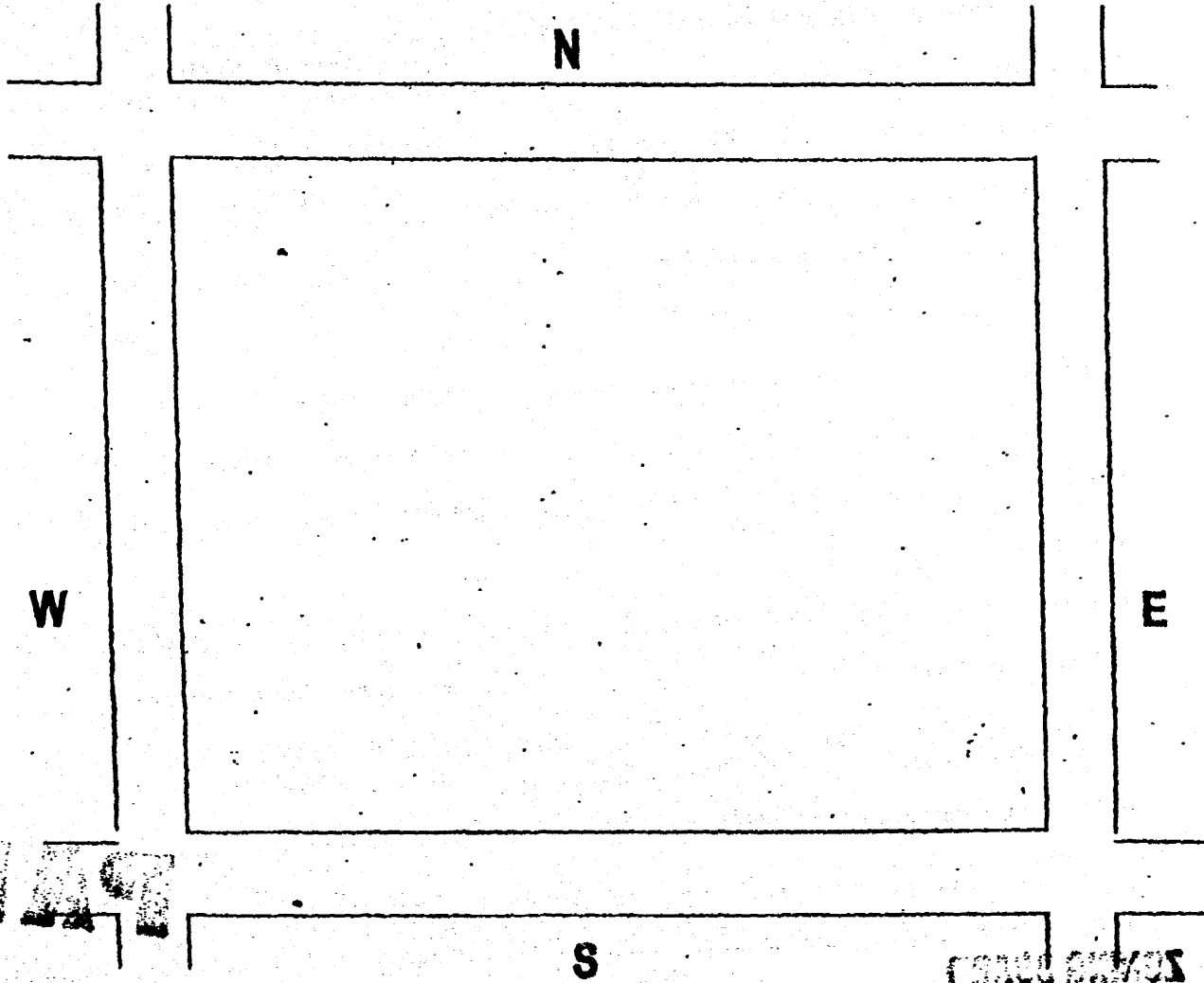

(Signature of Applicant)

23 Birckingham Dr. Newburgh
(Address of Applicant)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



CHART

CHART 1/1/05

2.21
143.1A

60
12A

61
6.8A

59
5.2A

62
5.2A

63.2
4.5A

58
3.8A

64
2.1A

9.11
2.4A

8.1
2.4A

7.1
2.1A

PENNING SUB MAP 71 • 3.6A

72 • 3.3A

73 • 3.3A

74.4

74.3

74.2

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53.1
98.6A

4
46.8A
45.9A (C)

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PENNING SUB

DUTCHMAN DR.

SLABENSKI

MAP 9443

7 8803

7 8804

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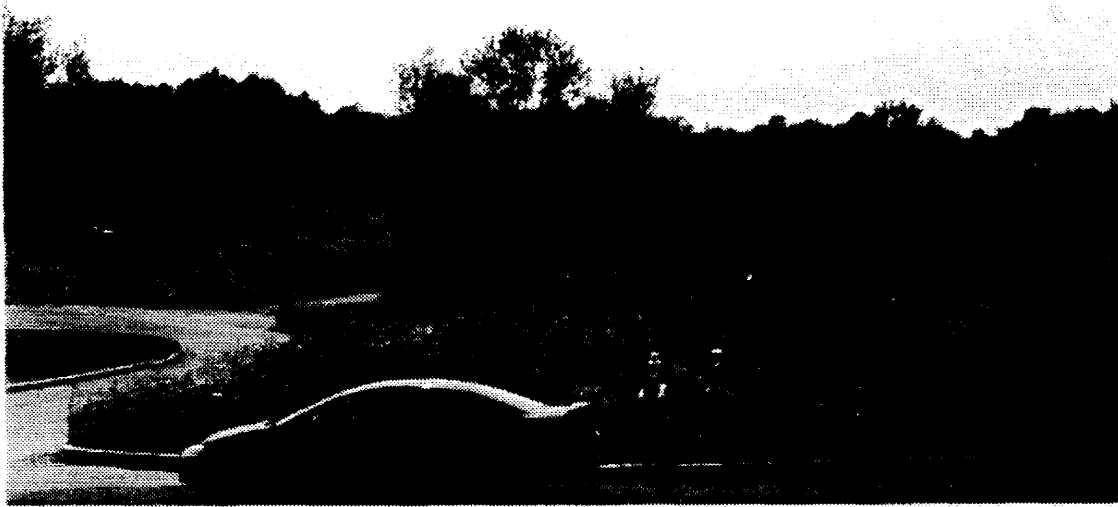
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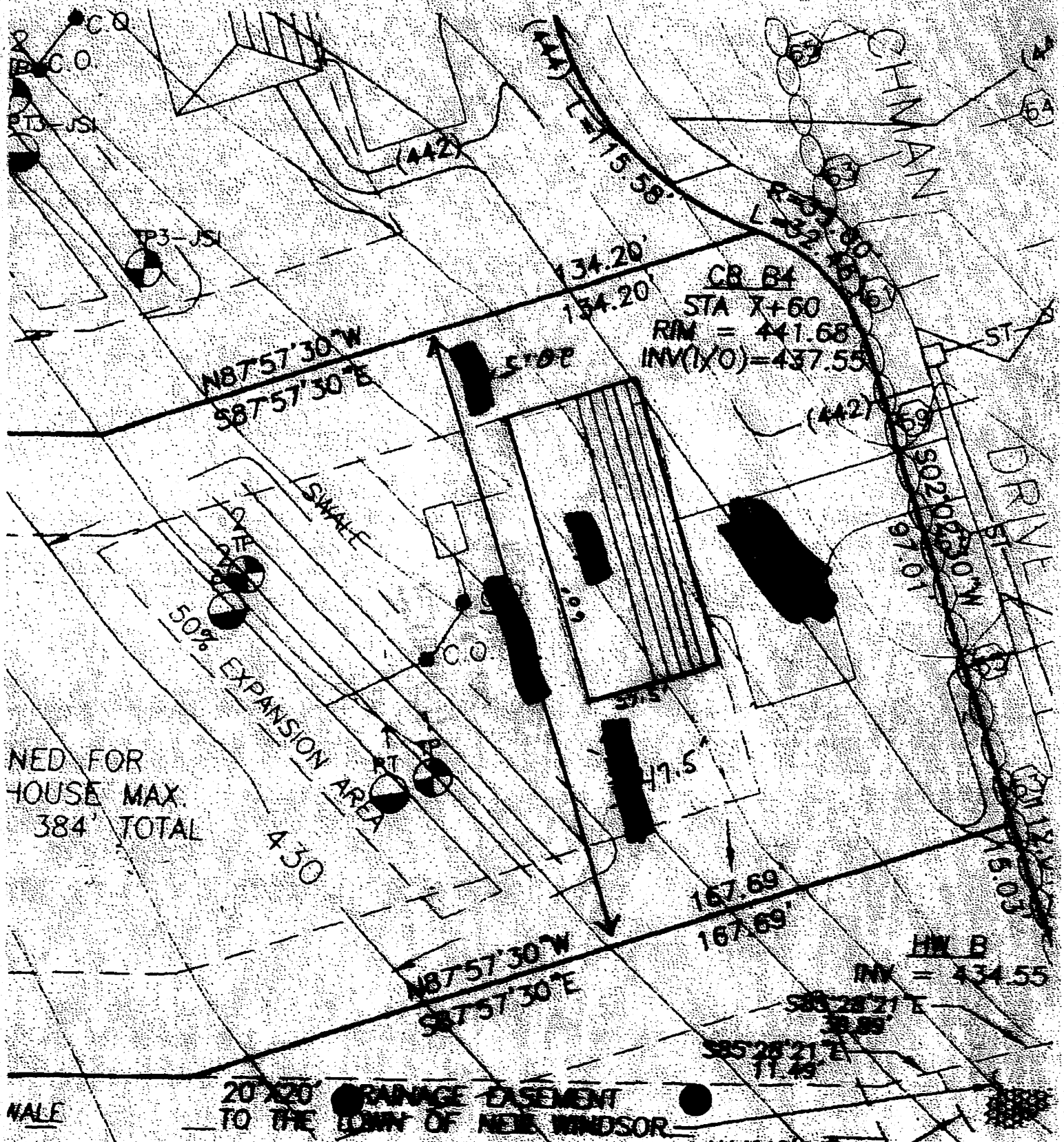
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100



46,991 ± sq
1.08 ± ac

~~CONFIDENTIAL~~
138,642.1 sq. ft.
3,641 sq. ft.

50S DESIGNED FOR
4 BEDROOM HOUSE MAX
8 LATS @ 53¢ 440 TOTAL

LOT 7

~~143,487 ± sq. ft.
3.29 ± acres~~

~~SDS DESIGNED FOR
4 BEDROOM HOUSE MAX
6 LATS @ 50'; 300' TOTAL~~

~~143,871 ± sq. ft
3.30 ± acres~~

~~SOS DESIGNED FOR
4 BEDROOM HOUSE MAX.
8 LATS @ 48' 384' TOTAL~~

CB B3
STA 7+60
RIM = 441.68
INV = 437.88

20 CR RM
STA X+60
RM = 441.68
INV(YO) = 437.55

~~REV - 434.55~~

WIDE DRAINAGE
(SEE NOTE #7)

PROPOSED SWALE

20-220 DRAWING EASEMENT
TO THE TOWN OF NEW BRIDGES

PA 566-1639
Robert Mulleavy
23 Buckingham Dr.
Newburgh, NY 12550

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: AUGUST 31, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 142.19 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-41

NAME & ADDRESS:

**Robert Mulleavy
23 Buckingham Drive
Newburgh, NY 12550**

THANK YOU,

MYRA

L.R.8-31-05



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #05-41 TYPE: AREA TELEPHONE: 566-1639

APPLICANT:

Robert Mulleavy
23 Buckingham Drive
Newburgh, NY 12550

RESIDENTIAL:	\$ 50.00	CHECK # <u>1612</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 1613



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>4</u>	PAGES	\$ <u>22.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>4</u>	PAGES	\$ <u>22.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 7/25/05 \$ 43.81

TOTAL:	\$ <u>87.81</u>	\$ <u>70.00</u>
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ESCROW POSTED: \$ 300.00

LESS: DISBURSEMENTS: \$ 157.81

AMOUNT DUE: \$ _____

REFUND DUE: \$ 142.19

Cc:

L.R. 8-31-05

ROBERT MULLEAVY (05-41)

MR. REIS: Request for 50 ft. lot width and 20 ft. side yard setback for proposed single-family home at 33 Dutchman Drive.

Mr. and Mrs. Robert Mulleavy appeared before the board for this proposal.

MR. REIS: Tell us what you'd like to do.

MR. MULLEAVY: This is my wife, Barbara.

MRS. MULLEAVY: Good evening, when we bought our lot, New Windsor was zoned 125 foot wide lots and that's what we have and since then the zoning has changed to 175 so we're asking for a 50 foot variance on the width and the side yard used to be 20 feet and now it's 40 feet but we just, the property on both sides of our property is developed and there's no place for us to expand so we're locked into a 25 foot, 125 foot lot vacant lot that we'd like to build on.

MR. REIS: So in short as a result of the zoning requirement change you're now an undersized lot?

MRS. MULLEAVY: That's correct.

MR. KRIEGER: Was this part of a subdivision?

MRS. MULLEAVY: Yes, it was.

MR. KRIEGER: All the other lots in the subdivision have been built out, yours is the last one?

MRS. MULLEAVY: That's correct and there's a road.

MR. KRIEGER: So all the roadways and all the infrastructure that's all in there?

MRS. MULLEAVY: They're in.

MR. BABCOCK: It's a matter of time if they were to get their building permit the October 1st date deadline they would not have to be here.

MRS. MULLEAVY: I was activated at that time since we put everything on hold. This was October last year where we need to do that or this year?

MR. BABCOCK: October of 2004.

MRS. MULLEAVY: Yes, I was activated and I was deployed a couple times so we didn't want to build a house then.

MR. REIS: So this lot is affecting not the size of the house that you're building only is affecting the fact that the zoning has changed?

MRS. MULLEAVY: That's correct.

MR. REIS: Again, just as a matter of record, you don't have to cut down any substantial vegetation to accomplish what you want to do?

MRS. MULLEAVY: There aren't any, there's a rock wall hundreds of feet back with a thin row of trees but that's it, everything else is just weeds.

MR. REIS: There's no easements or right-of-ways that are impacting your ability?

MRS. MULLEAVY: There's Peters Court which is a private road that abuts our property and Dutchman Drive is a Town road from the front but there's drainage off to the side that's already set in that we would just you know have our drains go into.

MR. REIS: I'm going to ask you a question, is this purchased from Van Leeuwen directly?

MRS. MULLEAVY: Yes, it was.

MR. REIS: I was involved with the sales of these lots so I'm just disclosing that up front and no way will this impact my ability to vote on this.

MR. KRIEGER: You have already been paid whatever you're due for the sale of the lot, you don't have anything outstanding?

MR. REIS: I wasn't involved with this particular sale but I was involved with the other six or eight lots in that area. Any other questions? I'll hear a motion please.

MR. BROWN: Make a motion that we set up a public hearing for Robert Mulleavy's request for 50 foot lot width and 20 foot side yard setback for proposed single family home at 33 Dutchman Drive in an R-1 zone.

MS. GANN: Second the motion.

ROLL CALL

MR. BROWN	AYE
MS. GANN	AYE
MS. LOCEY	AYE
MR. REIS	AYE

MRS. MULLEAVY: Yes, sir, the agenda here has the wrong section, lot and block on it, it should be 54, 1, 73, it's just a typo.

MR. REIS: Thank you for bringing that to our attention.

MRS. MULLEAVY: I'm not going to develop somebody else's.

July 11, 2005

12

MR. REIS: On the disapproval it's correct, thank you. You're all set, these are your next instructions. Any questions, give us a call.

ROBERT_MULLEAVY_(05-41)

MR. KANE: Request for 50 ft. lot width and 20 ft. side yard setback for proposed single-family home at 33 Dutchman Drive.

Mr. and Mrs. Mulleavy appeared before the board for this proposal.

MR. KANE: Tell us what you want to do again.

MR. MULLEAVY: This is my wife, Barbara.

MRS. MULLEAVY: He doesn't like to speak in public. The zoning changed on the property effective from what I understand October, 2004, it used to be 125 foot frontage and it's been changed to 175 foot frontage so we're asking for a 50 foot easement, I mean variance and the side used to be 20 foot setbacks and now they're 40 so we're asking for a 20 foot variance there on the side.

MR. KANE: Is that for one side of the home?

MRS. MULLEAVY: Yes, one side is going to be 20 and the other side is 45.

MR. BABCOCK: Yes.

MR. KANE: Cutting down any trees or substantial vegetation in the building of the home?

MRS. MULLEAVY: Negative, there's no trees, it's just brush.

MR. KRIEGER: It's a lot now and you're proposing?

MRS. MULLEAVY: Yes, there's trees in the back but we won't touch them.

MR. KANE: Create any water hazards on runoffs in the building of it?

MRS. MULLEAVY: No.

MR. KANE: Any easements going through the property that you know of?

MR. MULLEAVY: There's a tree line, there's an acre and a half in the front property and there's an easement behind the tree line in the back.

MR. KANE: And that won't be affected by the building of the house at all?

MR. MULLEAVY: No.

MR. KANE: You're going to be on well and septic?

MRS. MULLEAVY: Yes.

MR. KANE: At this point, I'll close it to the board and open it up to the public, ask if anybody's here that wants to speak at this particular meeting. We'll close the public portion of the hearing, ask Myra how many mailings we had.

MS. MASON: On July 22, I mailed out 15 envelopes and had no response.

MR. KRIEGER: The home that you're proposing to build, is it going to be similar in size and appearance to other homes in the neighborhood?

MRS. MULLEAVY: Yes, it is.

MR. KRIEGER: How is this lot size wise in relation to the lots immediately on either side of it?

MR. MULLEAVY: They're exactly the same, this is a

corner lot the one we have and three lots that are next to it are all exactly the same, they're 125 feet wide and 1,100 feet long.

MR. KRIEGER: Mike, if they were not on a corner lot, would they be here?

MR. BABCOCK: Actually, they may believe it's a corner lot, it's not classified as corner lot, oh, they did put the road in, they put the road in, yeah, when they created this, the road wasn't there.

MR. KRIEGER: It was not a corner lot when it was created but it is now by virtue of the road.

MR. BABCOCK: Yes.

MR. KANE: So there's no problem with the side of the house on the one corner with the distances as long as they're here?

MR. BABCOCK: Now that's the side that they're farthest away from.

MR. KANE: And hence they need the variance on the other side.

MR. BABCOCK: That's correct.

MR. KANE: Okay, thank you, Michael. Anybody else have any questions? I'll accept a motion.

MS. LOCEY: I will offer a motion to grant regarding the application of Robert Mulleavy's request his variance for a 50 foot lot width and 20 foot side yard setback for a proposed single family home at 33 Dutchman Drive in an R-1 district.

MR. REIS: Second it.

August 8, 2005

35

ROLL CALL

MR. REIS	AYE
MS. GANN	AYE
MR. BROWN	AYE
MS. LOCEY	AYE
MR. KANE	AYE



August 8, 2005

ZBA # 05-41
P.B.#

USE VARIANCE: NEED: EAF _____ PROXY

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M)____S)____ **VOTE:** A____N____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A ___ N ___

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓
VARIANCE APPROVED: M) L S) RS VOTE: A 5 N 0.

CARRIED: Y ✓ N .

7/25
43.81

[illegible]

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

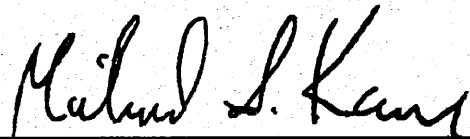
Appeal No. 05-41

Request of ROBERT MULLEAVY

for a VARIANCE of the Zoning Local Law to Permit:

Request for 50 ft. Lot Width and; 20 ft. Side Yard Setback for proposed single-family home at 33 Dutchman Drive in an R-1 (54-1-73)

PUBLIC HEARING will take place on AUGUST 8, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.

A handwritten signature in black ink, reading "Michael S. Kane". The signature is written in a cursive style with a horizontal line underneath the name.

Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

July 13, 2005

Robert Mulleavy
23 Buckingham Drive
Newburgh, NY 12550

Re: 54-1-73 ZBA#: 05-41 (15)

Dear Mr. Mulleavy:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

54-1-2.21
ADC Windsor, Inc.
19 Bower Road
Poughkeepsie, NY 12603

54-1-3.14
Thomas & Lynn Ann Buhler
22 Dutchman Drive
New Windsor, NY 12553

54-1-70
Peter & Helen Fedun
32 Dutchman Drive
New Windsor, NY 12553

54-1-74.1
Joseph & Terri Mininni
1 Pieters Court
New Windsor, NY 12553

54-1-74.4
Joseph & Antoinette Fontana
2 Pieters Court
New Windsor, NY 12553

54-1-3.12
Joseph & Anne Diaz
10 Dutchman Drive
New Windsor, NY 12553

54-1-3.2
Lillian Sladewski
469 Lake Road
New Windsor, NY 12553

54-1-71
Thomas & Christina Annie Hargaden
41 Dutchman Drive
New Windsor, NY 12553

54-1-74.2
James & Stacy DeGelormo
3 Pieters Court
New Windsor, NY 12553

54-1-74.5
Edward & Frederick Pennings
Hank & Louis VanLeeuwen
15 Shore Drive
New Windsor, NY 12553

54-1-3.13
Wanda & Theodore Jacobsohn
16 Dutchman Drive
New Windsor, NY 12553

54-1-53.1
Dorothy, Clay & John Jr. Clement
c/o Dorothy Clement
548 Station Road
Rock Tavern, NY 21575

54-1-72
Edmond & Wendy Fitzgerald
37 Dutchman Drive
New Windsor, NY 12553

54-1-74.3
Rory & Jaime Murphy
4 Pieters Court
New Windsor, NY 12553

54-1-75
Gabriel Compere
25 Dutchman Drive
New Windsor, NY 12553

Town of New Windsor

Zoning Board of Appeals
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-41

Request of ROBERT MULLEAVY for a VARIANCE of the Zoning Local Law to Permit Request for 50 ft. Lot Width and; 20 ft. Side Yard Setback for proposed single-family home at 33 Dutchman Drive in an R-1 (54-1-73).

PUBLIC HEARING will take place on AUGUST 8, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE
CHAIRMAN

Ad Number: 1779378 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA

INVOICING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRGALWSK Date: 07/18/2005 Assigned Sales: TownofNewWindsor ZoningBoardofAppeals P AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THH Paper: TH Class: 999X; LEGAL BILLING

Schedule: Start Date - 07/25/2005 End Date - 07/25/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPEA

PRODUCTION:

Text Size: 2 x 23.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearshots: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 43.81 Payment Method: B1 Amount Paid: 0 Amount Owed: 43.81

PriceMethod: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0



July 2005

ZBA # 05-41
P.B.#

PROXY

NEGATIVE DEC: M) _____ S) _____ **VOTE:** A _____ N _____

CARRIED: Y___N___

CARRIED: Y_____N_____

CARRIED: Y_____N_____

CARRIED: Y_____N_____

VOTE: A 4 N 0

CARRIED: Y ✓ N

M)___ S)___ VOTE: A___ N___.

CARRIED: Y_____N_____.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#615-2005

07/08/2005

Mulleavy, Barbara
23 Buckingham Dr.
Newburgh, NY 12550

Received \$ 50.00 for Zoning Board Fees, on 07/08/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

CBA 05-41 application fee

TOWN OF NEW WINDSOR

REQUEST FOR NOTIFICATION LIST

DATE: 07-08-05 PROJECT NUMBER: ZBA# 05-41 P.B. # _____

APPLICANT NAME: Robert Mulleavy

PERSON TO NOTIFY TO PICK UP LIST:

Robert Mulleavy
23 Buckingham Drive
Newburgh, NY 12550

TELEPHONE: 566-1639

TAX MAP NUMBER: SEC. 54 B LOCK 1 LOT 73

PROPERTY LOCATION: **33 DUTCHMAN DRIVE**
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1611

TOTAL CHARGES: _____



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

1 July 2005
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: (845) 566-1639

Fax Number: ()

Robert + Barbara Mulleavy
(Name)

23 Buckingham Dr, Newburgh NY 12550
(Address)

II. Applicant:

Same as above
(Name)

Phone Number: ()

Fax Number: ()

(Address)

III. Forwarding Address, if any, for return of escrow:

Phone Number: ()

Fax Number: ()

(Name) Same as above

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number (845) 897-4400

Fax Number: (845) 897-4546

Dan Schunemann - The Builder Development Corp
(Name)

400 Route 9, Fishkill, NY 12524
(Address)

V. Property Information:

Zone: R-1 Property Address in Question: 33 Dutchman Drive

Lot Size: 3.3 acres Tax Map Number: Section 54 Block 1 Lot 73

- What other zones lie within 500 feet?
- Is pending sale or lease subject to ZBA approval of this Application? NO
- When was property purchased by present owner? 4 April 2000
- Has property been subdivided previously? If so, When:
- Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
- Is there any outside storage at the property now or is any proposed? NO

******PLEASE NOTE:*******

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width	175 ft	125 ft	50 ft
Reqd. Front Yd.	45 ft / 45 ft	45 ft / 45 ft.	
Reqd. Side Yd.	40 ft.	20 ft.	20 ft.
Reqd. Rear Yd.	50 ft.	1067 ft.	
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Our neighborhood would be uniform. All
other lots on our side of Dutchman Drive are 125 ft wide
with 20 ft side yards. We are asking for the same as
our neighbors, nothing more.

A denial would render our dream home property useless.
A dwelling to fit the new zoning codes would be too small
for our family. It would have to be smaller than our
current starter home.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

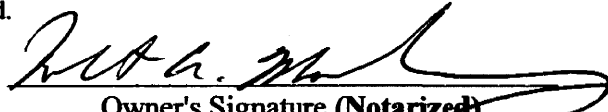
) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

5th day of July 2005.


Owner's Signature (Notarized)

Robert A. Mulleavy
Owner's Name (Please Print)

D47534-208-972 exp. 09-08-10


Signature and Stamp of Notary

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified in Orange County
Commission Expires 10/30/2006

COMPLETE THIS PAGE ☐



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE: \$ 50.00
*ESCROW: \$300.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list - they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 07-08-05

FOR: **ESCROW 05-41**

FROM:

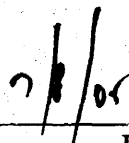
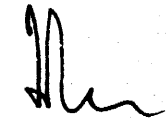
Robert Mulleavy
23 Buckingham Drive
Newburgh, NY 12550

CHECK NUMBER: **1613**

TELEPHONE: **566-1639**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU